

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

CECIL L. SHAMBERGER
and MARIE F. SHAMBERGER,

Debtors

Chapter 13
Case No. 19-11655-jkf
Consent Order Settling
Philadelphia Federal Credit Union's
Motion For Relief From The Automatic
Stay Pursuant To 11 U.S.C. § 362

STIPULATION

COME NOW, this day of , 2019, *Cecil L. Shamberger and Marie F. Shamberger*, through Debtors' attorney, *Sharon S. Masters, Esquire*, and Philadelphia Federal Credit Union ("PFCU") by and through its attorneys, Mester & Schwartz, P.C., hereby stipulate the following terms of settlement of the Motion for Relief from the Automatic Stay:

WHEREAS the Debtors own a 2012 Chrysler 300, V.I.N. 2C3CCACG2CH204161 ("vehicle"); and

WHEREAS PPCU files a Motion for Relief from the Automatic Stay ("Motion") with respect to missed post-petition payments; and

WHEREAS the Debtors have filed a Response to the Motion; and

WHEREAS the Debtors and PFCU seek to resolve the Motion; it is hereby stipulated and agreed that:

1. The post-petition delinquency is \$3,454.41 in post-petition arrears, plus \$681.00 in attorney's fees and costs as of October 14, 2019.
2. The Debtor shall cure post-petition arrears with monthly installments of \$689.24, together with regular monthly payments of \$503.77 starting on October 30, 2019, through March 30, 2020. The total monthly payment will be \$1,193.01.
3. Thereafter, the Debtors shall remain current with regular monthly payments paid directly to the Movant starting with the regular monthly payment of \$503.77 due on April 30, 2020, and all such future payments due the thirtieth (30th) of every month thereafter.
4. If Debtors shall fail to have a plan conforming to this Stipulation or the Debtors fail to make ongoing regular monthly payments and Debtors fail to cure said default within fifteen (15) days after notice by PFCU (or its counsel) of said default, counsel for PFCU may file a

Certification of Default with the Court setting forth Debtors' default and PFCU shall be granted relief from the automatic stay provisions of Section 362 of the Bankruptcy Code (11 U.S.C. § 362), and PFCU is then also free to proceed with exercising its rights and remedies as may be allowed under State and Federal law without regard to any future conversion of this matter to a different form of bankruptcy. The Debtors shall be allowed to default and cure such default under this Stipulation one (1) time. Should the Debtors default a second (2nd) time, notice of the default will be served, but the Debtors will not be granted an opportunity to cure the default and PFCU may file a Certification of Default.

5. In the event Debtors convert to a bankruptcy under any Chapter other than Chapter 13 of the Bankruptcy Code, then Debtors shall pay all pre-petition arrears and post-petition arrears due and owing within fifteen (15) days from the date the case is converted from Chapter 13 to any other Chapter. If Debtors fail to make payment in accordance with this paragraph, then PFCU, through counsel, may file a Certification of Default setting forth said failure and PFCU shall be granted relief from the automatic stay provisions of Section 362 of the Bankruptcy Code (11 U.S.C. § 362) and PFCU is then also free to proceed with exercising its rights and remedies as may be allowed under State and Federal law.

6. The failure by PFCU, at any time, to issue a Notice of Default or file a Certification of Default upon default by the Debtors shall not be construed, nor shall such failure act, as a waiver of any of PFCU's rights hereunder.


7. This Stipulation is a supplement and in addition to the Contract between the parties and not in lieu thereof.

8. Facsimile signatures shall be accorded the same force and effect as an original signature, and may be submitted to the Court.

The foregoing stipulation is hereby approved.

DATED: 11/7/19.

BY THE COURT:



Jean K. FitzSimon
U.S. BANKRUPTCY JUDGE

Post-Petition Arrears:	\$ 3,454.41
Counsel Fees:	\$ 681.00
Total:	\$4,135.41

Philadelphia Federal Credit Union
By Counsel: Mester & Schwartz, P.C.

By: 

Jason Brett Schwartz, Esquire
Mester & Schwartz, P.C.
1333 Race Street
Philadelphia, PA 19107
(267) 909-9036

DATED: 11/6/19

Seen and agreed to -- We hereby consent to the form and entry of the foregoing Order.

Debtors: Cecil L. Shamberger and Marie F. Shamberger
By Counsel for Debtors: Sharon S. Masters, Esquire

By: 

Sharon S. Masters, Esquire
The Law Office of Sharon S. Masters
2201 Pennsylvania Avenue, #517
Philadelphia, PA 19130
(610) 322-5277

DATED: 11/5/2019

Chapter 13 Trustee

By: /s/ Polly A. Langdon

Scott F. Waterman, Trustee
2901 St. Lawrence Ave.
Suite 100
Reading, PA 19606
(610) 779-1313

Please send copies to:

Cecil L. Shamberger
Marie F. Shamberger
1101 S. Wilton St.
Philadelphia, PA 19143

Sharon S. Masters, Esq.
The Law Office of Sharon S. Masters
2201 Pennsylvania Ave.
#517
Philadelphia, PA 19130

Scott F. Waterman, Trustee
2901 St. Lawrence Ave.
Suite 100
Reading, PA 19606

Office of the U.S. Trustee
833 Chestnut Street, Suite 500
Philadelphia, PA 19107

Jason Brett Schwartz, Esquire
Mester & Schwartz, P.C.
1333 Race Street
Philadelphia, PA 19107